

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2003 PLANNING COMMISSION MEETING

P.A.S.: Lincoln Crossings Use Permit 57D

PROPOSAL: To increase the boundary of the use permit and request a waiver of setback from residential and front yard setback along Folkways as shown on the site plan.

LOCATION: N. 27th and Folkways Boulevard.

WAIVER REQUEST:

Reduce the setback from residential from 100' to 50' as shown on the site plan.

Reduce the front yard setback from 50' to 28' along Folkways Boulevard as shown on the site plan.

LAND AREA: 93 acres, more or less.

CONCLUSION: In conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<u>RECOMMENDATION:</u>	Conditional Approval
Reduce the setback to residential	Approval
Reduce the front yard setback along Folkways	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 3-10 and Outlot A, King Ridge Addition, Lots 4-7 Outlots A and B, Lincoln Crossing Addition, Lots 1-9 and Outlot A, Lincoln Crossing 1st Addition, Lots 1 and 2, Lincoln Crossing 2nd Addition, Lots 1-3, Lincoln Crossing 3rd Addition, Lots 1 and 2, Lincoln Crossing 4th Addition and Lot 47 I.T. located in Section 6, T10N R6E.

EXISTING ZONING: B-5, Planned Regional Business District and B-2, Planned Neighborhood Business District.

EXISTING LAND USE: Commercial and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Commercial, undeveloped	B-2, Planned Neighborhood Business
South:	Commercial	B-5, Planned Regional Business
East:	Undeveloped	B-2
West:	Commercial	B-2

HISTORY: Administrative Amendment #02051 allowed an increase of floor area of Use permit #57 to a total of 816,469 square feet was approved by the Planning Director on September 19, 2002.

Use Permit 103B King Ridge to increase the allowed floor area to 705,660 square feet was approved by the City Council on June 25, 2001.

Change of Zone #3286 from R-3, Residential to B-2, Planned Neighborhood Business was approved by the City Council on November 13, 2000.

Use Permit #103A King Ridge increased the floor area to 244,660 was approved by the City Council on February 22, 1999.

Use Permit #103 King Ridge was approved for 237,200 square feet of floor area by the City Council on February 17, 1998.

Change of Zone #3043 from R-3, Residential to B-2, Planned Neighborhood Business was approved by the City Council on April 14, 1997.

Use Permit # 57C to amend Lincoln Crossing Use Permit was approved by the City Council on December 4, 1996.

Use Permit #57B to amend Lincoln Crossing Use Permit was approved by the City Council on March 29, 1993.

Use Permit #57A to amend Lincoln Crossing Use Permit was approved by the City Council on January 11, 1993.

Change of Zone #2704 from R-3, Residential to B-5, Planned Regional Business to correct an error was approved by the City Council on August 3, 1992.

Change of Zone #2654 from R-3, Residential I-1, Industrial and H-4, General Commercial to B-5, Planned Regional Business and Use Permit #57 was approved by the City Council on April 20, 1992.

This area was changed from A-A Rural and Public Use to R-3 Residential District during the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The land use plan shows this area as commercial (page F-25).

UTILITIES: The entire Lincoln Crossings and King Ridge developments are served by a combination of public and private water and sanitary sewer mains.

TRAFFIC ANALYSIS: N. 27th Street is classified in the Comprehensive Plan as an Urban Major Arterial and Folkways Boulevard is classified as a local road but is built larger to sustain the anticipated commercial and high school traffic (page F-103).

ANALYSIS:

1. This is a request to expand the boundaries of the existing B-5, Planned Regional Business District to include a portion of the B-2, Planned Neighborhood Business District.
2. This request increases the allowed floor area of the existing Lincoln Crossings Use Permit #57C by 42,300 square feet and reduces the area from the existing King Ridge Use Permit #103B.
3. The B-5 district requires a setback of 100' wherever a lot abuts a residential district. The request to waive the setback from residential district is at the east corner of the site. There is existing residential to the southeast of this site. At the location of the requested waiver, the lot comes to a triangular point. If setbacks were imposed, nearly the entire corner of the lot would be unusable. Due to the irregular lot shape, the request to reduce the setback is justified.
4. The request to reduce the front yard setback on Folkways is so that there is a consistent setback along the frontage of Folkways Boulevard. The front yard was adjusted at the request of the applicant since additional right of way was dedicated when the original use permit was approved. The King Ridge use permit received a waiver to modify the front yard setback because of the additional right of way dedication. The established front yard setback is 28' from the property line.
5. The Public Works and Utilities Department indicated that a public access easement must be shown from N. 30th Street (approximately) connecting to North Hill Road to facilitate reasonable and legal access to the median break and possible future traffic signal at Folkways Boulevard. This may require the redesign of the parking lot so that the flow of traffic from North Hill Road to the Folkways intersection is unobstructed by vehicle parking movements.
6. The Public Works and Utilities Department requires a public access easement over Lots 1,4-6 King Ridge 1st Addition Final Plat.
7. The applicant is in the process of administratively amending the King Ridge Use Permit to reduce the area and allowed floor area.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 Revisions to the satisfaction of the Public Works and Utilities Department.

1.1.2 Utility easements to the satisfaction of L.E.S.

1.1.3 Street trees to the satisfaction of the Parks and Recreation Department.

1.1.4 Landscape screening to meet design standards.

2. This approval permits the expansion of the use permit for a total of 858,769 square feet of floor area and modifications to the required front yard setback along Folkways Boulevard and setback from the residential district as shown on the site plan.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies.

3.2 The construction plans shall comply with the approved plans.

3.3 Administrative Amendment #03089 for King Ridge Use Permit #103 must first be approved.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the new commercial areas all development and construction shall have been completed in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

DATE: December 1, 2003

APPLICANT:	Ridge Development Company	Superior Point Partners
	PO Box 22769	300 N. 44 th Street, Suite 100
	Lincoln, NE 68542	Lincoln, NE 68501
	(402)471-9222	

OWNER: Same

CONTACT: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508



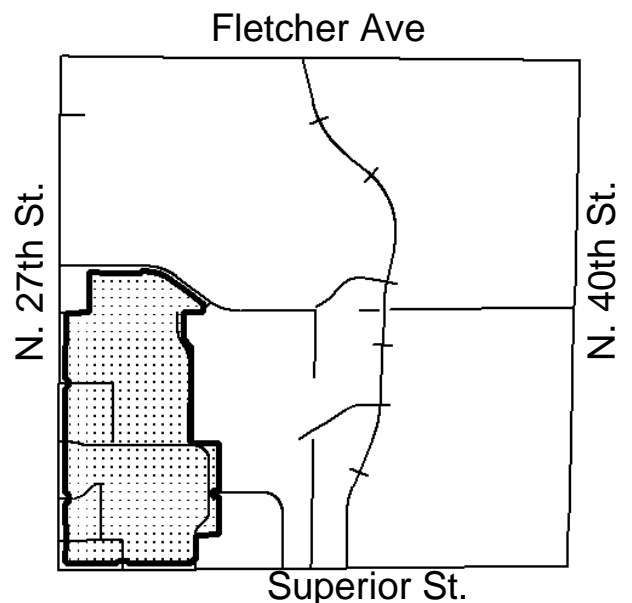
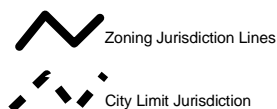
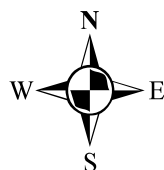
2002 aerial

Use Permit #57D N. 27th & Folkways Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 6 T10N R7E



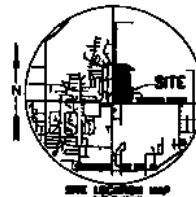
AMENDMENT TO THE PERMIT FOR
CROSS-BURNING

Contributors & Developers

REEKS DEVELOPMENT COMPANY MR. JOHN C. GARDNER PRESIDENT OF CORPORATION (signature) P.O. BOX 37206 LOS ANGELES, CA 90044 PHONE: (408) 421-8228	REEKS DEVELOPMENT COMPANY MR. TOM WATKINS MANAGER OF DEVELOPMENT (signature) P.O. BOX 32206 LOS ANGELES, CA 90044 PHONE: (408) 421-1984
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CHANGE DATA FROM LEGAL ORGANIZATION

①	A=2047.04 B=495.88 C=353.49 D=1023.92 DB=671.2497 E=357.77	②	A=1947.21 B=379.13 C=109.94 D=29.89 DB=1672.447 E=109.92
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NOTE:
REFER TO APPROVED LINCOLN CROSSING
PRELIMINARY PLAT AND USE PERMIT FOR
INFORMATION PERTAINING TO THE AREA BETWEEN
NORTH HILL ROAD AND SUPERIOR STREET.
INFORMATION PROVIDED BY ROSS ENGINEERING, INC.

AMENDED
AFFIDAVIT

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DRUGS' CERTIFICATES

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MISSISSIPPI. THESE PLANS MEET THE
REQUIREMENTS OF THE CITY ENGINEER'S OFFICE, BEING APPROVED.

[illegible]

100

THE FOLLOWING PLAY THE APPROVAL OF THE LUDLOW CITY-LANDMARK
COUNTY PLAYERS' COMMISSION ON MAY 20 OF 2010

200

LIBRARY PLACED

WARRANT TO USE FORCEMENT 457

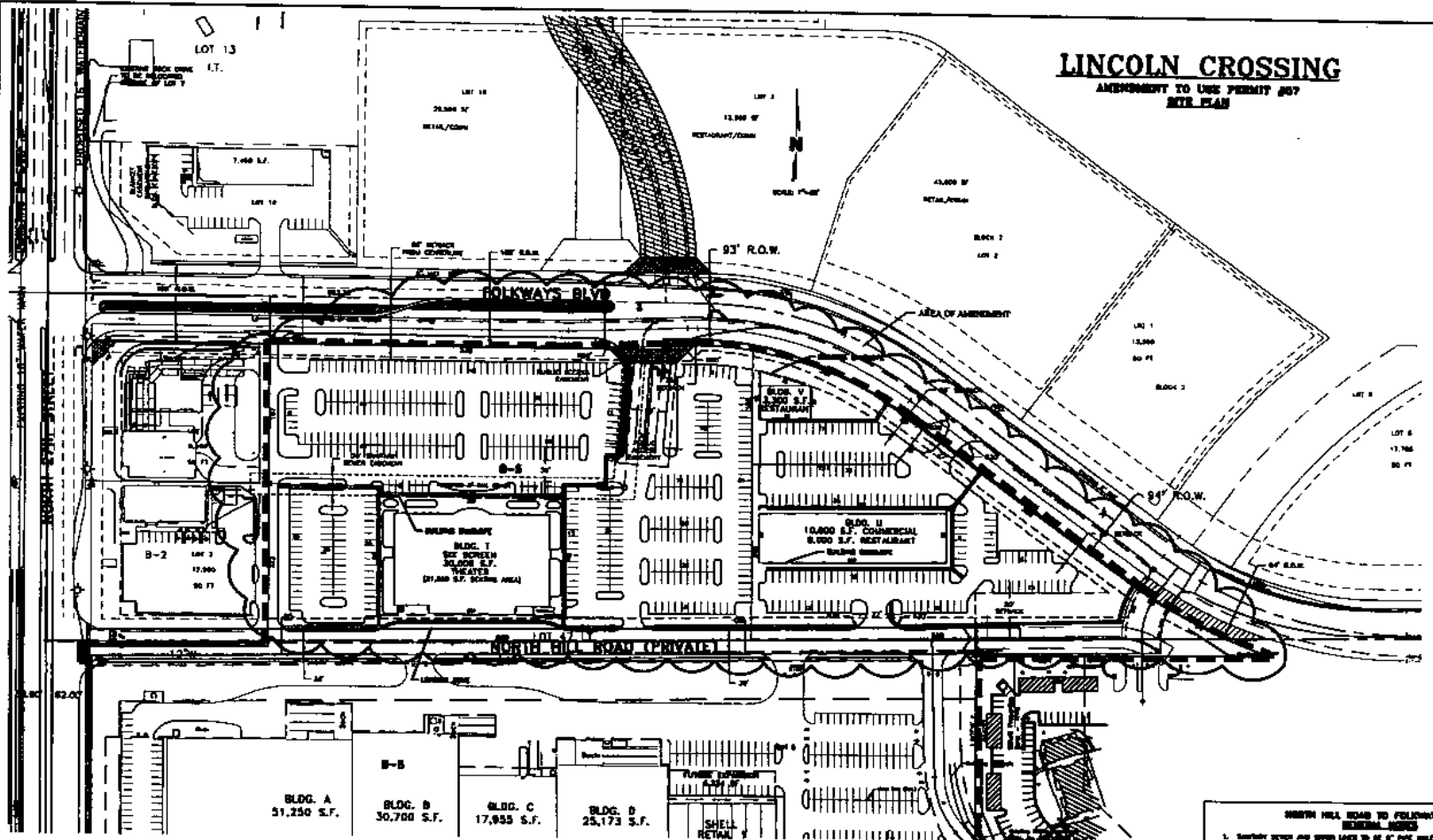
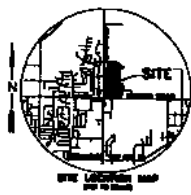
4. 1996年12月1日以前，在《中华人民共和国公司法》施行前，已经依法设立的有限责任公司和股份有限公司，其章程符合《中华人民共和国公司法》规定的，自《中华人民共和国公司法》施行之日起，继续有效。

08/27/2019

11/11/2011 11:11 AM

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2 OF 9

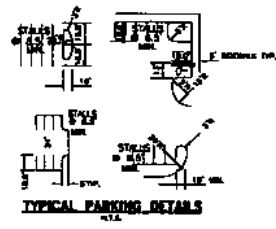
LINCOLN CROSSING AMENDMENT TO USE PERMIT #67 SITE PLAN



NOTE:
 REFER TO APPROVED LINCOLN CROSSING
 PRELIMINARY PLAN AND USE PERMIT #67
 INFORMATION PERTAINING TO THE AREA BETWEEN
 NORTH HILL ROAD AND SUPERIOR STREET.
 INFORMATION PROVIDED BY BOSS ENGINEERING, INC.

- LINCOLN CROSSING
 POWER NOTES**
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OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

30 October 2002

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Lincoln Crossing, 27th & Superior Streets
Amendment to Use Permit # 57 and Change Of Zone
OA Project No. 2003-0745

Dear Mr. Krout,

We are requesting an "Amendment to the Use Permit" to expand the Lincoln Crossing Use Permit to include the parcel of land between North Hill Road and Folkways Boulevard, east of Ruby Tuesdays and Pinnacle Bank. This property was formerly platted under the King Ridge 2nd Addition Use Permit. We are also requesting a change of zone from B-2 "Planned Neighborhood Business District" and R-3 "Residential District" to B-5 "Planned Regional Business District".

We are requesting this Amendment and Change of Zone to locate a six-screen, 30,000 square foot Theatre on this property. A 30,000 square foot theatre generates less PM Peak Hour traffic than the previously approved commercial uses.

As we have discussed in previous meetings with Planning Staff, we have not been able to attain the Autocad drawing files for the approved Lincoln Crossing Use Permit. We have attained the most recent site plan. However, we have not been able to get the site grading and drainage, landscape, and profile drawing files. Our submittal consists of an overall site plan for the Lincoln Crossing Use Permit, and additional sheets to detail the site, drainage and grading, and landscaping for the amended area.

We are requesting a waiver of the required 100' setback for parking lots from residential zoning. The eastern portion of the site abuts residential zoning to the south. The previous B-2 zoning allowed for a 50' setback for this area. The buildings will maintain the 100' setback; however, the parking and driveway would only maintain a 50' setback.

We are also requesting a waiver of the required front yard setbacks along Folkways Boulevard. Additional right of way was dedicated to the City for the expansion of Folkways Boulevard as part of the King Ridge 2nd Addition Use Permit and Preliminary Plat. A corresponding reduction in the front yard setback was granted as part of that use permit and plat. We are requesting that the reduced setbacks be maintained as approved previously.

Enclosed please find the following:

1. Cover Sheet, Sheet 2; 21 copies
2. Site Plan, Sheet 2A; 21 copies
3. Grading & Drainage Plan, Sheet 5A; 9 copies
4. Landscape Plan, Sheet 8A; 9 copies
5. City of Lincoln Zoning Application; "Use Permit; Amendment"
6. Change of Zone Application and exhibits
7. Filing fee for "Use Permit & Change of Zone"; \$1,480.00.
8. Certificates of Ownership for the lots being rezoned
9. 8 1/2" x 11" Reduced Drawings of the Site Plans

Please give me a call if you have any questions or concerns.

Sincerely,



Mark C. Palmer P.E.

cc John Brager
 Tom White
 DaNay Kalkowski
 Michael Bott

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

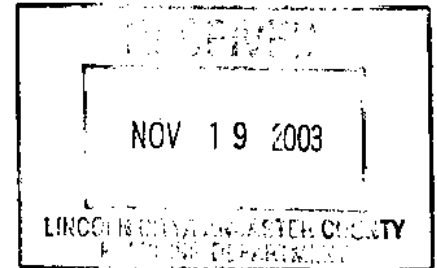
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

November 18, 2003

To: Neighboring Property Owners

Re: North 27th Street & Folkways Boulevard



Dear Neighbors:

Our law firm represents Ridge Development Company, the owner of Lots 3-10 and Outlot A, King Ridge Addition, Lincoln, Lancaster County, Nebraska (the "Property"). The Property is located east of North 27th Street (just east of Ruby Tuesday's and Pinnacle Bank) and directly south of Folkways Boulevard. Ridge Development Company has submitted the following applications to the Planning Department to permit the construction of a six screen, 30,000 square feet theatre on the Property: (i) a change of zone from the current B-2 Planned Neighborhood Business District and R-3 Residential District to B-5 Planned Regional Business District; (ii) an Amendment to expand the Lincoln Crossing Use Permit to include the Property; (iii) a Special Permit to permit the theatre use on the Property; and (iv) an Administrative Amendment to the King Ridge 2nd Addition Use Permit to remove the Property.

We would like to invite you to attend an informational meeting regarding the above applications. A copy of the proposed site plan for the Property is enclosed herein for your review. Please mark your calendars for **Tuesday, November 25, 7:00 - 8:30 P.M. at Campbell Elementary School in the Multi-Purpose Room, 2200 Dodge**. We welcome your comments and questions, and look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call our office.

Sincerely,

KENT SEACREST
For the Firm

Enclosure

cc: Ridge Development Company
Don Linscott, Superior Pointe Partners
Annette McRoy, City Council Member
Patte Newman, City Council Member
Becky Horner, Planning Department

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Lincoln Crossings Use Permit #57D and CZ #3430 King Ridge 2nd AA #03089 to Use Permit 103B
Date:	11/10/03
cc:	Randy Hoskins

Engineering Services has reviewed the submitted Use Permit #57 and CZ #3430 for Sincoln Crossings and AA #03089 to King Ridge 2nd Use Permit 103B, located between Folkways Boulevard and North Hill Road east of North 27th Street, and has the following comments:

Lincoln Crossings:

- If the public access easement running between lots 1, 4, 5, & 6 in King Ridge 1st Final Plat is to be removed then revisions need to be made to the site plan regarding parking lot configuration and public access easements. A public access easement will need to be shown between Lots 1 & 2 King Ridge 2nd Addition and the proposed Lincoln Crossings Use Permit and a continuation of the public access easement located at approximately N. 30th Street needs to be shown connecting to North Hill Road to facilitate reasonable and legal access to the median break and possible future traffic signal at Folkways Blvd. This requires a redesign of the parking lot such that the flow of traffic from North Hill Road to the Folkways intersection is unobstructed by vehicle parking movements.
- Public Works has no comment on the change of zone.

King Ridge:

- See above note for necessary revisions to this plat.

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: November 18, 2003

Re: Lincoln Crossing UP 57D CZ3430

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Trees located along Folkways Blvd. are planted on private property per the location of the property lines on the plan.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Dennis L Roth

11/03/2003 08:01 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: re: Lincoln Crossings

PROJ NAME: Lincoln Crossings
PROJ NMBR: CZ# 3430, UP# 57D
PROJ DATE: 10/14/03
PLANNER: Becky Horner

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS:

PRIVATE: Chandler Dr, Industrial Av, Kensington Dr, North Hill Rd, North View Dr, Ticonderoga Dr and N 31st St

COMMENTS: Appears to be no deviations in the number or names of streets from previously approved plat.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LIN
COLN.NE.US>

To: R Horner <RHorner@ci.lincoln.ne.us>
cc:
Subject:

11/10/2003 09:54 AM

Ms. Horner,

The Lincoln Police Department does not object to the Lincoln Crossings UP #57D.

Sergeant Michael Woolman
Lincoln Police Department

Richard J Furasek

To: Rebecca D Horner/Notes@Notes

11/12/2003 10:57 AM

cc:
Subject: Lincoln Crossings

After reviewing Use Permit #57D and CZ#3430, we find it acceptable from the perspective of the department.

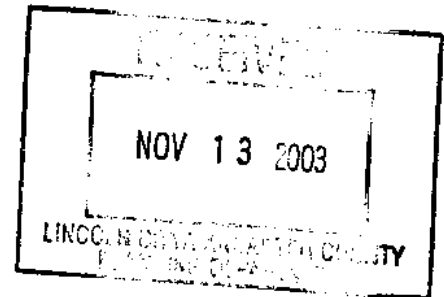
Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

message to Becky Horner

INTER-DEPARTMENT COMMUNICATION

-LES-

DATE: November 13, 2003
TO: Becky Horner , City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS - Use Permit #57
DN#48N-29E



Attached is the Site Plan for Lincoln Crossing.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, over the entire development.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File